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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,456	12/12/2003	Eric J. Zbinden	42P16233	9690
8791	7590	09/09/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			SONG, SARAH U	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/734,456

Applicant(s)

ZBINDEN, ERIC J.

Examiner

Sarah Song

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's communication filed on June 22, 2005 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections based upon prior art made of record in the previous Office Action are withdrawn. Claims 1, 6, 8, 10, 13, 15 and 17 are amended. Claims 1-20 are pending.

#### ***Claim Objections***

2. Claims 6, 7, 13 and 14 objected to because of the following informalities: Claims 1 and 10 recite devices to perform an optoelectronic function. However, claims 6, 7, 13 and 14 further limit said devices to be passive, and more specifically to be a mirror or splitter. The limitations of claims 6, 7, 13 and 14 appear to contradict the original recitation for the devices to perform an optoelectronic function (as recited in claims 1 and 10) since mirrors and splitters perform only optical functions and not optoelectronic functions. For purposes of examination, the claims will be interpreted as reciting a passive component, such as a mirror or splitter, in addition to the device to perform an optoelectronic function. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

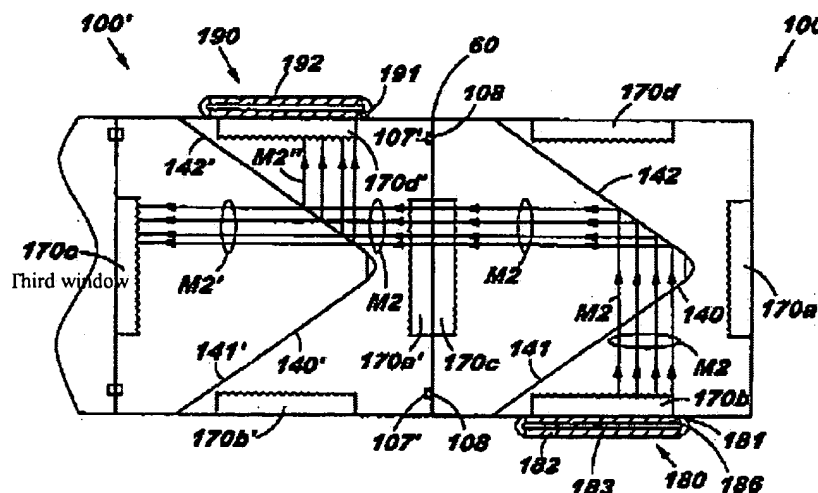
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2874

4. Claims 1, 3-10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Denneau et al. (U.S. Patent 6,836,015 newly cited).

5. Regarding claim 1, Denneau et al. discloses an optoelectronic apparatus, comprising: a first package 100 comprising a first window 170c, said first package to house a first device 180 to perform a first optoelectronic function; and a second package 100', being a same size and shape as the first package, comprising a second window 170a', said second package to house a second device 190 to perform a second optoelectronic function; said first package attached to said second package to allow a light beam to pass between said first window and said second window.



6. Regarding claim 3, either of said first window and said second window comprises an opening 170c or 170a'.

7. Regarding claim 4, said second package comprises a third window (e.g. 170c) to couple with a third package.

Art Unit: 2874

8. Regarding claim 5, said second package comprises a feedthrough for a fiber. See Figure 13.

9. Regarding claim 6, either of said devices comprises a passive device 142, 142'.

10. Regarding claim 7, said passive device comprises one of a mirror and splitter (column 3, lines 156-61).

11. Regarding claim 8, either of said devices comprises an active device 180 or 190.

12. Regarding claim 9, said active device 180 comprises a laser (column 4, lines 20-26).

13. Regarding claim 10, Ogusu et al. also discloses a method, comprising: providing a plurality of same size and shape packages 100 and 100' each housing a device 180 and 190 for performing an optoelectronic function; providing at least one window 170c and 170a' in each of said packages; coupling said plurality of packages together; and transmitting a beam between windows of adjacent packages. See Figure 3A.

14. Regarding claim 12, the method further comprises providing a package comprising a feedthrough for a fiber. See Figure 13.

15. Regarding claim 13, at least one said device comprises a passive device 141, 142.

16. Regarding claim 14, said passive device comprises one of a mirror and splitter (column 3, lines 156-61).

17. Regarding claim 15, at least one said device comprises an active device 180 or 190.

18. Regarding claim 16, said active device 180 comprises a laser (column 4, lines 20-26).

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2874

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**20. Claims 2, 11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denneau et al.**

21. Regarding claim 2, said first window 17 comprises a transparent material (e.g. the glass (column 3, line 19) block comprising the boundary). Denneau et al. does not expressly disclose the window to form a hermetic package. However, it is well known that glass is an impermeable material and therefore naturally provides a hermetic package. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a glass block, resulting in a window of transparent material, and thus provide a hermetic package since it was known in the art that hermetic packages reduce fluctuations and degradation of optoelectronic device performance due to environmental factors.

22. Regarding claim 11, Denneau et al. discloses bonding the respective packages to one another by various adhesives (column 6, lines 3-6), but does not expressly disclose one of solder, weld and epoxy. Epoxies are well known in the art for inexpensively bonding optical components. Solders and welds are known in the art for providing hermetic seals. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize any known bonding means suitable for glass components, such as epoxy and solder since applicant has not disclosed that the particular bonding means solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any bonding means.

Art Unit: 2874

23. Regarding claim 17, Denneau et al. discloses a modular optoelectronic system, comprising: a plurality of same size and shape packages 100 and 100', each comprising at least one window 107c and 107a'; a device 142, 142' in each of said plurality of packages to perform a particular function (e.g. beam redirection) for an optoelectronic product; coupling means 107 and 108 or additionally an adhesive (column 6, lines 3-6) for coupling ones of said packages together to pass a collimated beam between adjacent windows and to optically connect each said device to form said optoelectronic product.

24. Denneau et al. does not expressly disclose the packages to be hermetically sealed. However, it is well known that glass is an impermeable material and therefore naturally provides a hermetic package. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the glass block and thus provide a hermetic package since it was known in the art that hermetic packages reduce fluctuations and degradation of optoelectronic device performance due to environmental factors.

25. Regarding claim 18, the system further comprises a package including a fiber feedthrough. See Figure 13.

26. Regarding claim 19, each said device comprises one of a passive device an active device, i.e. a passive device.

27. Regarding claim 20, Denneau et al. discloses bonding the respective packages to one another by various adhesives (column 6, lines 3-6), but does not expressly disclose one of solder, weld or epoxy. Epoxies are well known in the art for inexpensively bonding optical components. Solders and welds are known in the art for providing hermetic seals. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize

Art Unit: 2874

any known bonding means suitable for glass components, such as epoxy or solder since applicant has not disclosed that the particular bonding means solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any bonding means.

***Response to Arguments***

28. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bregman et al. discloses modular optoelectronic packages of the same size and shape and wherein the packages provide a hermetic seal (Figure 3 and column 5, lines 41-45).

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

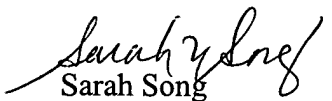


Art Unit: 2874

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sarah Song  
Patent Examiner  
Group Art Unit 2874